

Clerk, U.S. District Court
Southern District of Texas
FILED

A091 (Rev. 8/01) Criminal Complaint

MAY 22 2013

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Daniel DOMINGUEZ
Esmeralda DOMINGUEZ
Enrique CARRASCO-Flores

Case Number: C-13-591M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 5/20/2013 in Nueces County, in the
(Date)

Southern District of Texas defendant's **Mantonio MORENO and Nellie Veronica MORENO**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

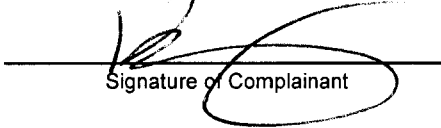
in violation of Title 8 United States Code, Section(s) 8 USC 1324

I further state that I am a(n) Special Agent and that this complaint is based on the
Official Title
following facts:

See Attached Affidavit of HSI Special Agent

Kevin Burgin

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Kevin Burgin

Printed Name of Complainant

Sworn to before me and signed in my presence,

May 22, 2013

Date

B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

AFFIDAVIT

On May 20, 2013, at approximately 0700 AM, Corpus Christi Police Department (CCPD) Officer John McGinley conducted a traffic stop on a white 2003 Chevrolet Z71 bearing Texas tag BWY-3872, for driving 65 miles per hour (mph) in a 55 mph zone. The vehicle's occupants were identified as Esmeralda DOMINGUEZ, driver, and Daniel DOMINGUEZ, front passenger, as well as Esmeralda DOMINGUEZ's two minor children.

Officer Josh Swain conducted a traffic stop on a gray 2005 GMC Suburban bearing Texas tag BWY-3873, for failure to signal a lane change. The vehicle was being driven by Enrique CARRASCO-Flores, who was one (1) of the vehicles seven (7) occupants. Arriving agents with Customs and Border Protection's Office of Air and Marine Operations conducted an immigration inspection on the vehicles occupants and determined six (6) of the seven (7) individuals were unlawfully present in the United States. Officer Swain issued CARRASCO-Flores a warning for Failure to Signal. All subjects were placed under arrest and transported to the USBP Corpus Christi office for processing and questioning.

HSI Special Agent Kevin Burgin arrived at Officer McGinley's location and began a consensual interview of Esmeralda DOMINGUEZ. Suspecting her of alien smuggling Special Agent Burgin read Esmeralda DOMINGUEZ her rights in her preferred language, English at approximately 07:18 AM. DOMINGUEZ acknowledged her rights, and signed a rights form accordingly. DOMINGUEZ signed the waiver of rights, indicating she would speak voluntarily without the presence of an attorney, which was witnessed by BPA Juan Cardenas.

STATEMENT MADE BY PRINCIPAL: Esmeralda DOMINGUEZ:

Esmeralda DOMINGUEZ stated the following to agents:

- Her father, Daniel DOMINGUEZ, herself and the driver of the second vehicle, name unknown to DOMINGUEZ, but later identified as Enrique CARRASCO-Flores, had picked up approximately 8 illegal aliens at the Mansfield Cut, located inside of the Padre Island National Seashore (PINS).
- The vehicle containing the aliens, being driven by CARRASCO-Flores, was following DOMINGUEZ to Houston, Texas.
- They had met up with the vehicle driven by CARRASCO-Flores at a Stripes gasoline station in Riviera, Texas and he'd followed them into the PINS to pick up aliens.
- Upon arrival at the Riviera Stripes, CARRASCO had called her cellular phone at approximately 8 PM.
- She was driving the lead vehicle, but her father Daniel DOMINGUEZ had made all the arrangements to smuggle the aliens.

- Believed the money in Daniel DOMINGUEZ's possession, \$2162.00 may have been paid to him to smuggle the aliens, but she did not see any money exchange hands and can't be sure.
- There was a third vehicle, a white Ford Expedition, being driven by an individual known to her as "Wicho", which also contained illegal aliens. (Of note: A third vehicle, a white Ford Expedition was discovered abandoned in the surf within the PINS. A vehicle registration check revealed this vehicle was registered to Esmeralda DOMINGUEZ. Five (5) individuals, four (4) unlawfully present aliens and one (1) U.S. citizen were encountered and stated they had been in the Ford Expedition, but had abandoned it when it became stuck in the sand. Prosecution against the U.S. citizen driver was declined due to the individual being a minor.)
- This was her second time smuggling aliens. The previous time had been on April 29, 2013, and she had smuggled six (6) aliens in the same manner to Houston, Texas.
- Her dad, Daniel DOMINGUEZ, only pays her gas money and incidentals and had paid her \$500.00 for this trip.
- They, Esmeralda DOMINGUEZ, Daniel DOMINGUEZ, Enrique CARRASCO-Flores and Luis SERNA had followed each other to the Mansfield Cut, located within the PINS, where they picked up the aliens.
- Believed upon arrival in Houston, Texas, her dad Daniel DOMINGUEZ would contact the alien's families to come for the aliens.

At this point Officer McGinley issued DOMINGUEZ a warning for speeding and both Esmeralda DOMINGUEZ and Daniel DOMINGUEZ were placed under arrest by HSI and transported to the USBP Corpus Christi office for processing and questioning.

STATEMENT MADE BY CO-PRINCIPAL: Daniel DOMINGUEZ

Special Agent Burgin read Daniel DOMINGUEZ his rights in his preferred language, Spanish at approximately 11:36 AM. DOMINGUEZ acknowledged his rights, and signed a rights form accordingly. DOMINGUEZ declined to speak with agents without the presence of an attorney, which was witnessed by BPA Juan Cardenas

STATEMENT MADE BY CO-PRINCIPAL: Enrique CARRASCO-Flores

Special Agent Burgin read Enrique CARRASCO-Flores his rights in his preferred language, Spanish at approximately 10:15 AM. CARRASCO-Flores acknowledged his rights, and signed a rights form accordingly. CARRASCO-Flores signed the waiver of rights, indicating he would speak voluntarily without the presence of counsel, which was witnessed by BPA Juan Cardenas

Enrique CARRASCO-Flores stated the following to agents:

- He had known Daniel DOMINGUEZ for approximately one (1) month.
- He had followed the white Chevrolet from Olmito, Texas to the Mansfield Cut, loaded up the aliens and were headed to Houston when stopped by CCPD.

- He never lost sight of the white Chevrolet, since he began following it.
- At one point his vehicle became stuck in the PINS sand and Daniel DOMINGUEZ gave him a shovel to get the vehicle unstuck.
- He was to be paid for the alien smuggling upon arrival in Houston, Texas.
- The vehicle he utilized to smuggle aliens belonged to him, but the Texas tags on the vehicle had been bought and paid for by Daniel DOMINGUEZ.

MATERIAL WITNESS STATEMENTS:

Material Witness Alejandro MALDONADO-Montes

Alejandro MALDONADO-Montes stated he illegally entered the United States on May 5, 2013. Upon entry MALDONADO-Montes stated he was taken to location, where he remained for approximately two weeks. From there he was taken to the Mansfield Cut, where he crossed from one side to the other via a raft and awaited transportation. A dark colored truck arrived and the driver, later identified as Enrique CARRASACO-Flores, told him to get into the vehicle and then departed the area.

Material Witness Moises Guillermo VILLACORTA-Garcia

Moises Guillermo VILLACORTA-Garcia stated he illegally entered the United States on or about May 19, 2013. VILLACORTA-Garcia stated after crossing the Mansfield Cut, he walked for approximately 15 minutes, before he was approached by the driver of a black Suburban. The driver used the word "Conejo", which VILLACORTA-Garcia had been informed by his smugglers was the password utilized to ensure the aliens got into the correct vehicles, so VILLACORTA-Garcia got into the vehicle. VILLACORTA-Garcia stated as they drove along the beach it appeared they were following a white vehicle.

Material Witness Rudy Fernando DE LEON-Oxlaj

Rudy Fernando DE LEON-Oxlaj stated he'd made his smuggling arrangements with someone in Guatemala and had paid \$35,000 Quetzal to be smuggled to Florida. He also stated he never spoke with the driver, but got into the vehicle to which he was instructed to get into. During the drive along the beach, DE LEON-Oxlaj stated he was looking at the beach and ocean and didn't pay attention to what was going on in front or back of him.

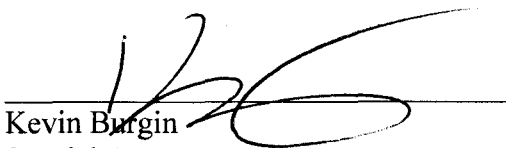
Material Witness Alfredo ROMERO-Galindo

Alfredo ROMERO-Galindo stated he was in route to Florida, where he'd lived illegally before, after having returned to Mexico to care for a sick relative. He stated he never spoke with the driver and after getting into the vehicle he didn't pay attention to his surroundings.

Material Witness Ismael ROMERO-Galindo

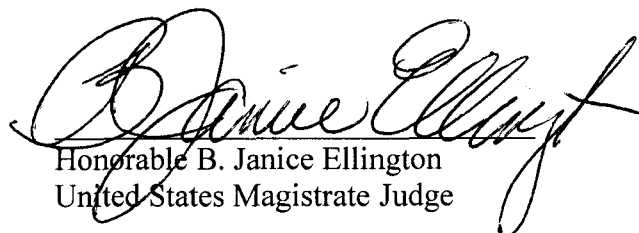
Ismael ROMERO-Galindo stated he'd paid \$2000.00 to be smuggled to Florida, where he'd lived illegally before for four (4) or five (5) years. He stated after getting into the vehicle he fell asleep and didn't awake until he was awakened by the police.

Assistant United States Attorney Patti Booth was contacted and accepted prosecution of Esmeralda DOMINGUEZ, Daniel DOMINGUEZ and Enrique CARRASCO-Flores for violation of Title 8 USC 1324, Alien Smuggling.



Kevin Burgin
Special Agent
Homeland Security Investigations

SWORN AND SUBSCRIBED before me, this 22nd day of May, 2013.



Honorable B. Janice Ellington
United States Magistrate Judge